IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION No. 16713 OF 2000

Date:01.08.2007

BETWEEN:

Aijas Qurashi

.... PETITIONER

And

1. The State of A.P., rep. by its Principal Secretary to Government, Education Department, Secretariat, Hyderabad, and others.

.... RESPONDENTS

ORDER:

None appears for the petitioner.

The Convener, Action Committee, Government Boys High School, Chaderghat No.1 (Old), filed this writ petition under Article 226 of the Constitution of India for issuance of Writ of Mandamus declaring the action of the respondents in locating the offices (a) Deputy Inspector of Schools (b) Inspector of Non-formal Education (c) Seventh Class Common Examination Board and (d) School Sports Council, in Government Boys High School, Chaderghat (old) Abids, Hyderabad and shifted the high School seeking to sell the buildings to the real estate owner for ulterior motive and extra ordinary reason out of the deal, as arbitrary and illegal and consequently restrain the respondents from dealing with the school property, and allow the school to function.

The Principal Secretary to Government, the first respondent herein, filed counter affidavit stating that the strength of the Government Boys High School, Chaderghat No.I (Old) was declining every year from 1996-97 to 2000-2001 and the school building was in dilapidated condition. Since the school had become defunct, 19 teachers who were working in the said school were transferred to needy schools

along with posts and provision during the year 2000. Due to non-functioning of Government Boys High School, Chaderghat No.1 (Old), the office of the Deputy Educational Officer, Inspector of Non-Formal Education, VII Class Common Examination Board and School Sports Council were located in the said building for a short period to avoid illegal encroachments and also to avoid misuse of property by anti-social elements and to safe guard the property as the said property is located in the prime area. It was also submitted that the offices had been shifted to other locations as the building is in completely dilapidated condition. It is further submitted that as per the report of the Mandal Revenue Officer, Nampally Mandal, the plinth area of the school building is 2925 sq. mts. Situated in TS-19, Block 'O', Ward No.15 of the Nampally village, which is under the control of District Educational Officer, Hyderabad. The Government has no intention to sell the property of the school building to real estate owners, but its intention is to utilize the property for the cause of education. Therefore, the District Educational Officer has submitted a proposal for the usage of the property of the Government Boys High School, Chaderghat No.I (Old) to the Director of School Education, Andhra Pradesh, for construction of Model School Building with an estimated cost of Rs.6.4 crores under XI Five year Plan. In fact there is a provision in the Budget for 2007-08 for construction of a Model School and Rs.2,00 crores is budgeted for the said proposal. The proposal for construction

of Model School Building is under active consideration by the Government.

The District Educational Officer also filed a separate counter affidavit reiterating the stand of the Government. The same is accordingly recorded.

In view of the categorical assertion by the Government that the Government is not intending to sell the said property but it is under active consideration for construction of Model School Building, no cause of action survives in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

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(A. Gopal Reddy, J.)

1st August, 2007
Js.